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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,234	07/31/2003	Swetal A. Patel	CE11265JI111	1739

7590 06/09/2005

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EXAMINER
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BALAOING, ARIEL A

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/631,234		PATEL ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Ariel Balaoing		2683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/12/03, 07/31/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7, 8, 10-12, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by GETTLEMAN et al (US 5,987,332).

Regarding claim 1, GETTLEMAN discloses a method for notifying callers, comprising the steps of: assigning a first communications channel to a set of callers (column 2:lines 46-50; column 3:lines 8-15); temporarily converting the first communications channel [traffic channel] (410, 420, 430-Figure 4) to a second communications channel [temporary control channel] (415, 425-Figure 4) when the first communications channel is released (column 4:line 53-column 5:line 7; voice channel is converted into control channel during lulls in communication); and transmitting a message [neighbor cell information] to at least one of the set of callers over the second communications channel (column 5:lines 51-54).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses wherein the first communications channel is converted to the second communications channel for the shorter duration of a predetermined amount of time and a time until the first

communications channel is no longer released (column 5:lines 60-64; control channel is active for a short period during lull in communication after a predefined duration).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses further comprising the step of selectively converting the second communications channel back to the first communications channel (column 4:line 53-column 5:line 7).

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses wherein the first communications channel is a traffic channel (410, 420, 430-Figure 4; column 4:line 53-column 5:line 7) and the second communications channel is a temporary control channel (415, 425-Figure 4; column 4:line 53-column 5:line 7), both the traffic channel and the temporary control channel being employed in a trunked dispatch service [group dispatch call] (column 2:lines 41-44).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses wherein the set of callers use communications units assigned to the first communications channel to communicate with one another (column 4:line 53-column 5:line 7) and wherein the first communications channel is released when none of the communications units that are assigned to the first communications channel are transmitting over the first communications channel (column 5:lines 4-6; communication channel can be reassigned if temporary control channel is active for extend periods of time).

Regarding claim 10, GETTLEMAN discloses a system for notifying callers, comprising: at least one base station (125, 135, 145-Figure 1; column 3:lines 17-20); and an application processor [system control] (110-Figure 1), wherein said application processor assigns a first communications channel [traffic channel] (410, 420, 430-Figure 4) to a set of callers and instructs said base station to temporarily convert said first communications channel to a second communications channel [temporary control channel] (415, 425-Figure 4) when said first communications channel is released (column 3:lines 8-11; column 4:line 53-column 5:line 7; voice channel is converted into control channel during lulls in communication); wherein said application processor generates a message [neighbor cell information] and instructs said base station to transmit said message to at least one of the set of callers over said second communications channel (column 5:lines 51-54).

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses wherein said application processor instructs said base station to convert said first communications channel to said second communications channel for the shorter duration of a predetermined amount of time and a time until said first communications channel is no longer released (column 5:lines 60-64; control channel is active for a short period during lull in communication after a predefined duration).

Regarding claim 12, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses wherein application processor instructs said base station to selectively convert said second

communications channel back to said first communications channel (column 4:line 53-column 5:line 7).

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses wherein the first communications channel is a traffic channel (410, 420, 430-Figure 4; column 4:line 53-column 5:line 7) and the second communications channel is a temporary control channel (415, 425-Figure 4; column 4:line 53-column 5:line 7), both the traffic channel and the temporary control channel being employed in a trunked dispatch service [group dispatch call] (column 2:lines 41-44).

Regarding claim 17, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses further comprising at least one communications unit assigned to said first communications channel (column 4:lines 44-52), wherein the set of callers use said communications units to communicate with one another (column 4:line 53-column 5:line 7) and wherein said first communications channel is released when none of said communications units that are assigned to said first communications channel are transmitting over said first communications channel (column 5:lines 4-6; communication channel can be reassigned if temporary control channel is active for extend periods of time).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2683

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 4, 6, 9, 13 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over GETTLEMAN et al (US 5,987,332) in view of MA et al (US 5,995,500).

Regarding claims 4 and 13, see the rejections of the parent claims concerning the subject matter this claim is dependant upon. However, GETTLEMAN does not disclose wherein the message is a notification that a party is attempting to contact at least one of the set of callers. MA discloses wherein the message is a notification that a party is attempting to contact [call waiting] at least one of the set of callers (column 3:line 66-column 5:line 7). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify GETTLEMAN to include notification that a party is attempting to contact one of the mobile subscribers within the control channel, as both inventions involve using a trunked dispatch system and message transmittance within the control channel. This is beneficial in that it allows the disclosed invention of GETTLEMAN to more efficiently process control information when communicating with another subscriber.



Regarding claims 6 and 15, see the rejections of the parent claims concerning the subject matter this claim is dependant upon. However, GETTLEMAN does not disclose further comprising the steps of: terminating the first communications channel after one of the set of callers receives the transmitted message; and assigning a third communications channel to permit at least one of the set of callers to contact the party. MA discloses further comprising the steps of: terminating the first communications channel after one of the set of callers receives the transmitted message (Figure 8; column 10:lines 36-50; traffic channel is terminated and slave mobile enters indirect mode with new traffic channel assignment); and assigning a third communications channel to permit at least one of the set of callers to contact the party (Figure 8; column 10:lines 36-62; third party connects to mobile and is inherently assigned a new traffic channel until third party disconnects).

Regarding claim 9, GETTLEMAN discloses a method of notifying callers, comprising the steps of: assigning a first communications channel to a set of callers (column 2:lines 46-50; column 3:lines 8-15); temporarily converting the first communications channel [traffic channel] (410, 420, 430-Figure 4) to a second communications channel [temporary control channel] (415, 425-Figure 4) when the first communications channel is released (column 4:line 53-column 5:line 7; voice channel is converted into control channel during lulls in communication); and transmitting a message [neighbor cell information] to at least one of the set of callers over the second communications channel (column 5:lines 51-54); wherein the first communications channel and the second communications channel are employed in a trunked dispatch



service [group dispatch call] (column 2:lines 41-44). However, GETTLEMAN does not disclose that wherein the message is a notification that a party is attempting to contact at least one of the set of callers. MA discloses that wherein the message is a notification that a party is attempting [call waiting] to contact at least one of the set of callers (column 3:line 66-column 5:line 7). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify GETTLEMAN to include notification that a party is attempting to contact one of the mobile subscribers within the control channel, as both inventions involve using a trunked dispatch system and message transmittance within the control channel. This is beneficial in that it allows the disclosed invention of GETTLEMAN to more efficiently process control information when communicating with another subscriber.

6. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over GETTLEMAN et al (US 5,987,332) in view of MA et al (US 5,995,500) as applied to their parent claims above, and further in view of LADUE (US 6,070,070).

Regarding claims 5 and 14, see the rejections of the parent claims concerning the subject matter these claims are dependant upon. However, the combination of GETTLEMAN and MA do not disclose wherein the message includes information that reveals the identity of the party attempting to contact at least one of the set of callers. LADUE discloses wherein the message includes information [caller I.D.] that reveals the identity of the party attempting to contact at least one of the set of callers (column 14:line 57-column 15:line 11). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include identification

information of the caller within the control channel as caller ID is another supplemental service that can be transmitted to a subscriber through the control channel. This is beneficial in that it allows the mobile subscribers of the combination of GETTLEMAN and MA the ability to see who is calling and selectively chose if they wish to interrupt the current communication session.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

RANZ (US 5,274,699) – Caller ID to a mobile

GRUBE et al (US 5,239,678) – Control channel as temporary traffic channel

TALARMO et al (US 5,778,318) – Method for channel allocation

KREBS et al (US 5,548,631) – Dispatch application processor in trunked system

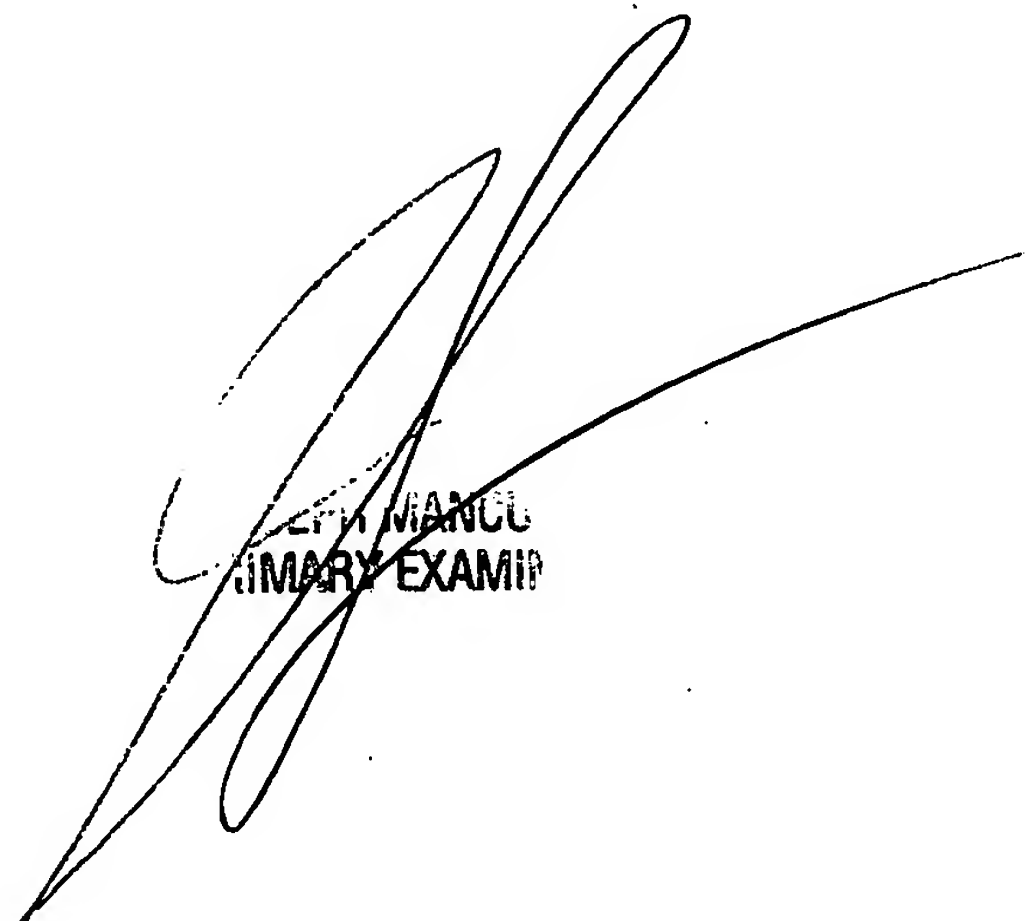
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ariel Balaoing  
Patent Examiner  
Art Unit 2683

AB



SEP 11 2008  
PRIMARY EXAMINER